

REMARKS

I. Introduction

With the cancellation herein without prejudice of claim 28, claims 29 to 57 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all copies of the certified copies of the priority documents have been received from the International Bureau.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Objection to the Drawings

Regarding the objection to the drawings, 35 U.S.C. § 113 states that “[t]he applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.” A drawing of the features set forth in claims 49 to 57 is ***not*** necessary for an understanding of these claims. Furthermore, 37 C.F.R. § 1.83(a) provides that conventional features disclosed in the Specification and claims, where their detailed illustration is not essential for a proper understanding of the subject matter claimed, should be -- but are not required to be -- illustrated in the form of a graphical drawing symbol or a labeled representation. A detailed illustration of the features set forth in claims 49 to 57 is not essential for an understanding of these claims. In view of the foregoing, it is respectfully submitted that no further Figures are required.

Withdrawal of this objection is therefore respectfully requested.

III. Rejection of Claims 33, 34, 42 to 48, 52, and 56 Under 35 U.S.C. § 112

Regarding the rejection of claims 33, 34, 42 to 48, 52, and 56, this rejection is based on allegations of double inclusion. As an initial matter, Applicants do not necessarily agree with the allegations of double inclusion. Moreover, there is no per se rule that double inclusion is improper in a claim. In re Kelly, 305 F.2d 909, 916, 134 U.S.P.Q. 397, 402 (C.C.P.A. 1962). All that is required for compliance with the definiteness requirement of 35 U.S.C. § 112, second paragraph is for the claims

to set forth and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. The present claims are fully sufficient in this regard.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter included in claims 32 to 34, 38 to 47, 53 to 55, and 57. In this regard, the Examiner will note that claims 32, 33, 38, and 53 have been rewritten herein in independent form. As such, it is respectfully submitted that claims 32 to 34, 38 to 47, 53 to 55, and 57 are in condition for immediate allowance.

The Office Action states at page 3 that “[t]he lack of an art rejection for claims 52 and 56 does not indicate allowability of these claims.” However, claims 52 and 56 ultimately depend from claim 33, which was indicated to include allowable subject matter. As such, it is respectfully submitted that claims 52 and 56 are in condition for immediate allowance.

Although, as indicated below, claim 48 was rejected under 35 U.S.C. § 103(a), claim 48 depends from claim 33, which was indicated to include allowable subject matter. As such, it is respectfully submitted that claim 48 is in condition for immediate allowance.

Claims 29 to 31, 35 to 37, and 49 to 51 now ultimately depend from claim 32, which was indicated to include allowable subject matter. As such, it is respectfully submitted that claims 29 to 31, 35 to 37, and 49 to 51 are in condition for immediate allowance.

V. Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

Regarding the rejection of claims 28, 29, 31, and 35 to 37 under 35 U.S.C. § 102(e) and the rejection of claims 30 and 48 to 51 under 35 U.S.C. § 103(a), while these rejections are not necessarily agreed with, to facilitate matters, claim 28 has been canceled herein without prejudice. Furthermore, claim 48 depends from claim 33, which was indicated to include allowable subject matter, and claims 29 to 31, 35 to 37, and 49 to 51 now ultimately depend from claim 32, which was indicated to include allowable subject matter. As such, it is respectfully

submitted that these rejections are moot, and withdrawal of these rejections is respectfully requested.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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